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UTILITY  
PATENT APPLICATION  
TRANSMITTAL\*Composition and Method of Preparation  
(Only for new nonprovisional applications under 37 CFR 1.53(b))U.S. PTO  
10/706194  
19270

111203

Attorney Docket No.	006630-0391
First Inventor	GAYSER, Charles W., Jr.
Title	Dry-Powder Film Coating*
Express Mail Label No.	EL 914961665 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 16]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets \_\_\_\_\_]

5. Oath or Declaration [Total Sheets 3]  
a.  Newly executed (original or copy)  
b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)  
i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a.  Computer Readable Form (CRF)

b. Specification Sequence Listing on:  
i.  CD-ROM or CD-R (2 copies); or  
ii.  Paper

c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))

10.  37 CFR 3.73(b) Statement  Power of  
(when there is an assignee) Attorney

11.  English Translation Document (if applicable)

12.  Information Disclosure  Copies of IDS  
Statement (IDS)/PTO-1449 Citations

13.  Preliminary Amendment 3 pages

14.  Return Receipt Postcard (MP&P 503)  
(Should be specifically itemized)

15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16.  Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.

17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/656,082....Prior application information: Examiner Humeran Sheikh Art Unit: 1615  
For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

 Customer Number: 20572 OR  Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Charles L. Leeck	Registration No. (Attorney/Agent)	50,343
Signature		Date	11/12/2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** 856.00

**Complete if Known**

Application Number	N/A
Filing Date	11/12/2003
First Named Inventor	GAYSER, Charles W., Jr.
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	006630-0391

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
07-1509  
Deposit Account Name  
Godfrey & Kahn, S.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770		
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>770.00</b>		

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
14	-20** = 0	x 6	= 0
Independent Claims	4	- 3** = 1	x 86 = 86
Multiple Dependent			= 86

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$)</b> 86.00

\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 420	2252 210	Extension for reply within second month			
1253 950	2253 475	Extension for reply within third month			
1254 1,480	2254 740	Extension for reply within fourth month			
1255 2,010	2255 1,005	Extension for reply within fifth month			
1401 330	2401 165	Notice of Appeal			
1402 330	2402 165	Filing a brief in support of an appeal			
1403 290	2403 145	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,330	2453 665	Petition to revive - unintentional			
1501 1,330	2501 665	Utility issue fee (or reissue)			
1502 480	2502 240	Design issue fee			
1503 640	2503 320	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1806 180	1806 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))			
1801 770	2801 385	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$)**

(Complete if applicable)

Name (Print/Type)	Charles L. Leeck	Registration No. (Attorney/Agent)	50,343	Telephone	414-273-3500
Signature		Date	11/12/2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization in PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : GAYSER, et. al.  
For : DRY-POWDER FILM COATING COMPOSITION AND  
METHOD OF PREPARATION  
Filed : November 12, 2003  
Application No. : Not yet assigned  
Examiner : Not yet assigned

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence was deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 11/12/2003

Ruth Ellen Genac

Name: Ruth Ellen Genac

Remarks under 37 CFR 1.115 accompanying a Continuation Application filed herewith

under 37 CFR 1.53(b)

The nonprovisional patent application filed herewith is a continuation application of Application No. 09/656,082, filed September 6, 2000. A Notice of Allowance, mailed August 22, 2003, was received on that earlier-filed application and Applicant timely paid the Issue Fee on October 1, 2003. The earlier-filed and related application should now proceed to issue in the near future.

During prosecution of related Application No.09/656,082, Applicant conducted a telephone interview with Supervisory Patent Examiner Thurman K. Page (AU 1615) on July 16, 2003. SPE Page suggested that pending claims directed to methods of making dry-powder film forming compositions would be allowable if Applicant amended the claims to set forth the

viscosity range of an aqueous solution formed by the compositions, as manufactured by the steps recited.

Applicants responded with a Supplemental Amendment, mailed July 17, 2003, amending the pending claims in the earlier-filed application substantially as suggested by SPE Page. In the subsequent Statement of Reasons for Allowance, mailed August 22, 2003, the Examiner stated:

The primary reason for allowance of the claims is that the prior art (Signorino US 5,591,455) fails to teach nor fairly suggest a method for making a dry powder film-forming composition which is capable of forming an aqueous solution having a low viscosity ranging from about 75 to about 150 cps when measured by the Brookfield Small Chamber Method (10% w/w in water, USP; Model RVT; Chamber 13R; Spindle #21; 100 rpm; 23°C) or as recited in applicant's amended claim 13.

In view of the allowance of Applicant's amended claims to *methods of making* dry-powder film forming compositions, Applicant now presents claims directed to dry-powder film forming *compositions* and *methods of using such compositions* in order to obtain the claim coverage Applicant appears due.

Thusly, claims 1-12 in the present application are directed to dry-powder film forming *compositions*, the recited compositions including reference to particular viscosities of aqueous solutions formed by the compositions, in analogous fashion to the claims allowed in the related application discussed above. Claim 13 recites a method of making an aqueous solution using a composition according to claim 1 and, additionally, claim 14 is directed to a method of using the aqueous solution of claim 13 to coat pharmaceutical tablets, food, or confectionary products. Present claims 1-14 are fully-supported by the disclosure of earlier-filed application 09/656,082, including originally-filed claims. No new matter has been presented in the instant application over that disclosed in the earlier-filed, related application.

As such, it is respectfully submitted that claims 1-14 are in condition for allowance and prompt notice of allowance is respectfully requested. Applicant requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

GODFREY & KAHN, S.C.

Dated: Nov. 12, 2003

By: CLL

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